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SERIAL NUMBER	REQUEST DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/823,909	3/23/05	PING CHEN	4680

Title: **TERMINAL**

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Art Unit	Paper Number
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Correspondence Address:
WALTER F. FASSE
P.O. BOX 726
HAMPDEN, ME. 04444

Licensee under 35 U.S.C. 184 is hereby granted to file in any foreign country a patent application and any amendments thereto corresponding to the subject matter of this U.S. application identified above and/or any material accompanying the petition. This license is conditioned upon modification of any applicable secrecy order and is subject to revocation without notice.

License Number: 534,951
Grant Date: 16-Feb-05

This license is granted retroactively to the date(s) and the country(s) indicated on the attached decision.

Approved:


for Commissioner of Patents and Trademarks

This license empowers the filing, the causation and the authorization of the filing of a foreign application or applications on the subject matter identified above, subsequent forwarding of all duplicate and formal papers and the prosecution of such application or applications.

This license does not empower the filing of any applications, amendments, supplements or continuances originating in this country which disclose inventions, modifications, or variations not disclosed in the subject matter identified above.

This license is to be retained by the licensee and may be used at anytime on or after the date thereof. This license is not retroactive unless specifically indicated.

The grant of this license does not in any way lessen the responsibility of the licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations, especially with respect to certain countries, of other agencies, particularly the Office of Foreign Assets Control, Department of the Treasury; Office of Munitions Control, Department of State (with respect to Arms, Munitions and Implements of War); the Bureau of Trade Regulation, Office of Export Administration, Department of Commerce; and the Department of Energy.

LICENSE FOR FOREIGN FILING

[Title 35, United States Code (1952) Sections 184, 185, 186]



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, DC 20231
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Walter Fasse
60-G Main Road North
P. O. Box 726
Hampden, ME 04444-0726

In re: Ping Chen : DECISION ON REQUEST
Serial No.: 10/823,909 : UNDER 37 CFR 5.25
Filing date: April 13, 2004
Docket No: 4680

Title: **TERMINAL**

This is a decision on the petition filed on March 23, 2005 for retroactive foreign filing license.

It has been determined that a retroactive license for foreign filing under 35 U.S.C.184 be granted with respect to the filings listed below. The petition complies with 37 C.F.R. 5.25 in that there is an adequate showing that the subject matter in question was not under a secrecy order, that the license was diligently sought after discovery of the proscribed foreign filing, and that the material was filed abroad without the required license under 37 C.F.R 5.11 through error and without deceptive intent.

Country

Date

Japan	April 15, 2003
Japan	March 12, 2004
Japan	April 14, 2004
Europe	April 14, 2004

Ian J. Lobo
Patent Examiner
(571) 272-6974

FASSE PATENT ATTORNEYS, P.A.60-G MAIN ROAD NORTH, P.O. BOX 726
HAMPDEN, MAINE 04444-0726 U.S.A.TELEPHONE: 207-862-4671
TELEFAX: 207-862-4681

WALTER F. FASSE

WOLFGANG G. FASSE
Of Counsel

March 23, 2005

MS L&R
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450BY TELEFAX TO:
(703) 305-7658
=====61 SHEETS TOTAL IN 2 PARTS
THIS IS
PART 1 OF 2
WITH
32 SHEETS

RE: THE APPLICATION FOR PATENT

OF: Ping CHEN

SERIAL NO.: 10/823,909

FILED: April 13, 2004

FOR: Terminal

ART UNIT: 2833

CONF. No.: 6083

EXAMINER: J. R. HARVEY

DOCKET NO.: 4680

PETITION FOR RETROACTIVE FOREIGN FILING LICENSERECEIVED
MAR 24 2005
LICENSING DIVISION

Dear Sir:

- 1) This is a Petition for a Retroactive Foreign Filing License under 37 C.F.R. 5.12(b), 5.14(a), 5.15(a) and 5.25. Please grant a Retroactive Foreign Filing License relating to the following US Application:

Application No.: 10/823,909;
Filing Date: April 13, 2004
Inventor: Ping Chen
Title: Terminal.

- 2) The license shall be retroactive to each of the unlicensed foreign filings, identified in the following list of each foreign country in which, and dates on which, the unlicensed patent application material was filed:

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March 23, 2005

- a) Japan, April 15, 2003,
Japanese Patent Application JP 2003-110920
 - b) Japan, March 12, 2004,
Japanese Patent Application JP 2004-71802;
 - c) Japan, April 14, 2004,
Japanese Patent Application JP 2004-119670; and
 - d) Europe, April 14, 2004,
European Patent Application EP 040 08 871.8, preliminarily
designating Germany, France and Great Britain.
- 3) The required Petition fee of \$200.00 is covered in the enclosed
Credit Card Payment Form PTO-2038. Any fee deficiency or
additional fee properly due may be charged to our Deposit Account
50-0507.
- 4) A Foreign Filing License was granted for this US Application on
June 23, 2004, as indicated in the Official Filing Receipt issued
on June 24, 2004.
- 5) The Retroactive Foreign Filing License shall be issued to and for
the benefit of:
J.S.T. Mfg. Co., Ltd.,
of: 4-8, Minamisenba 2-chome
Chuo-ku, Osaka-shi
Osaka, Japan
being the assignee of the entire and exclusive right, title and
interest in the above identified US Application, the invention
disclosed and claimed therein, and counterpart foreign rights,
by an Assignment recorded in the USPTO on April 13, 2004 at
Reel/Frame 015228/0694.

March 23, 2005

- 6) Please deliver the License to the undersigned Attorney by telefax and mail:

Walter F. Fasse (USPTO Reg. No . 36132)
Fasse Patent Attorneys, P.A. (USPTO CUSTOMER NO. 021553)
P. O. Box 726
Hampden, Maine 04444-0726
Phone: (207) 862-4671
Fax: (207) 862-4681.

- 7) This Petition is supported by the enclosed Verified Declarations of: Ping Chen

(the inventor),

Takashi Nakai

(Supervisor of Patent Applications in the Intellectual Property Group of the Osaka Engineering Center of the assignee J.S.T. Mfg. Co., Ltd., who authorized the above unlicensed foreign filings),

Tomoaki Nunami

(Japanese Patent Attorney who carried out the filings of the Japanese Patent Applications and caused the European Patent Application to be filed), and

Walter Fasse

(US Patent Attorney of Record in this Application).

- 8) The enclosed Declarations respectively include an averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order. These Declarations also include a showing that the License has been diligently sought after discovery of the proscribed foreign filings. Further, these Declarations include a showing of facts providing an explanation of why the material was filed abroad through error and without deceptive intent without the required foreign filing license first having been obtained.

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- 9) **A general summary of how the proscribed foreign filings occurred through error and without deceptive intent is as follows.**

At the pertinent time leading up to and including each of the proscribed foreign filings, Mr. Chen, Mr. Nakai, and Mr. Nunami were not aware of the US Foreign Filing License Requirement.

At the pertinent time leading up to and including each of the proscribed foreign filings, the undersigned Mr. Fasse had not been consulted and was not involved in the proscribed foreign filings, and was not aware that the subject matter of the invention had been invented in the United States, until investigating the matter in July 2004 (as explained in detail in the enclosed Declarations).

Thus, in July 2004 was the first time that Mr. Fasse became aware that the subject invention had been made in the United States, and the first time that Mr. Chen, Mr. Nunami and Mr. Nakai became aware of the Foreign Filing License Requirement under US law.

- 10) **The Retroactive Foreign Filing License has been diligently sought after discovery of the proscribed foreign filings, in summary, as follows.** In several letters back-and-forth in July and August 2004, Mr. Fasse explained the details of the US Foreign Filing License Requirement to the other involved persons. In August and September 2004, Mr. Nunami, Mr. Nakai, and Mr. Chen investigated the detailed facts regarding when and where the present invention was made, and investigated to find several other inventions that had been made in the United States and that had been the subject of foreign patent application filings without having first obtained the required Foreign Filing Licenses. Also in September 2004, Mr. Nunami collected various documents and obtained English translations thereof for supporting a Petition for Retroactive Foreign Filing License. At the end of September 2004, Mr. Nunami forwarded a summary of the pertinent facts and copies and translations of documents to Mr. Fasse. In October, 2004, Mr. Fasse prepared draft Declarations for Mr. Nakai, Mr. Chen and Mr.

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Nunami and requested further facts and supporting documents from Mr. Nunami. Through August to December 2004, Mr. Nunami and Mr. Fasse also corresponded back-and-forth in many letters regarding the necessary facts, documents and Declarations relating to the several other applications needing Retroactive Foreign Filing Licenses. From November 2004 through January 2005 Mr. Nunami, Mr. Nakai and Mr. Chen revised and supplemented the draft Declarations, and obtained additional supporting documents and prepared English translations thereof. On February 6, 2005 the additional information and documents were forwarded to Mr. Fasse. With further intervening correspondence, Mr. Fasse prepared the final Declarations of Mr. Nakai, Mr. Chen and Mr. Nunami and forwarded them on February 21, 2005. The Declarations were then signed and returned to Mr. Fasse, and then the present Declaration has been prepared and filed.

- 11) The investigation of the facts, the explanation of the law, and the gathering and English-translation of the supporting information and documents have been pursued diligently since the discovery of the proscribed foreign filings up to the present time. It must be considered that documents and information had to be translated from Japanese to English and from English to Japanese, and that the necessary steps are being carried out for several affected applications, so that the process has necessarily required somewhat more time than if such factors did not apply.
- 12) This Petition is accompanied and supported by the following enclosures:
 - a) Credit Card Payment Form PTO-2038;
 - b) Declaration of Ping Chen;
 - c) Declaration of Takashi Nakai;
 - d) Declaration of Tomoaki Nunami;
 - e) Declaration of Walter F. Fasse;
 - f) copy of Japanese version of "Request Sheet of Investigation for Patent Application";

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- g) copy of English Version of "Request Sheet of Investigation for Patent Application";
 - h) copy of Japanese Instruction Letter dated 12/15/03 with PS of 01/08/04 authorizing foreign filings, and English translation;
 - i) copy of instruction letter of 04/08/04 for filing EP Application;
 - j) copy of instruction letter of 04/09/04 for filing US Application;
 - k) copy of letter of 06/30/04;
 - l) copy of e-mail of 07/06/04, and English translation;
 - m) copy of e-mail of 07/07/04, and English translation;
 - n) copy of letter of 07/09/04;
 - o) copy of telefax reply of 07/09/04;
 - p) copy of letter of 07/17/04; and
 - q) copy of telefax reply of 07/18/04.
- 13) I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

WFF:ar/4680

Enclosures:

a) to q) as listed above

By

Walter F. Fasse 3/23/05
Walter F. Fasse Date
Patent Attorney
Reg. No.: 36132
Tel. No.: 207-862-4671
Fax. No.: 207-862-4681
P.O. Box 726
Hampden, ME 04444-0726

CERTIFICATE OF FAX TRANSMISSION:

I hereby certify that this correspondence with all indicated enclosures is being transmitted by telefax to (703) 305-7658 on the date indicated below, and is addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Walter F. Fasse 3/23/05
Name: Walter F. Fasse - Date: March 23, 2005